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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,377	03/06/2007	Martin Spahn	2003P04495WOUS	6459

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SIEMENS CORPORATION
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EXAMINER	
BITAR, NANCY	

ART UNIT	PAPER NUMBER
2624	

MAIL DATE	DELIVERY MODE
12/30/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/561,377	SPAHN, MARTIN	
	Examiner	Art Unit	
	NANCY BITAR	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 December 2005* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's response to the last Office Action, filed 9/18/2008, has been entered and made of record.

2. Applicant has amended claims 20. Claims 1-24 are currently pending.

3. Applicants arguments filed 11/10/2008 have been fully considered and are persuasive.

Examiner Notes

4. Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

   (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmitt et al (US 2003/0108154) in view Takasawa et al (US 6,542,579).

As to claim 13, Schmitt teaches the method for image refining of digital x-ray images, comprising: providing an image processing module (the selection device can be fashioned as a functional group or as a module in a computer that controls the examination device, paragraph [0011]) ; supplying to the image processing module a parameter from a current parameter set (paragraph [0022-0024]); displaying an associated model image for a standard parameter set by using a stored image data; and modifying the current parameter set without a user directly selecting the standards parameter set, the modifying performed in response to the user selecting the associate model image wherein the selecting of the associated model image results in the modifying of the current parameter set (paragraph [008-0010]); The image B that is read out from the memory device 31 and that is to be anticipated for the selected examination region 12 and the selected positioning proposal P1, P2, P3 is shown at the right in the lower part of FIG. 2, paragraph [0040]). Note that sample x-ray image preselected in accordance with a user-defined parameter model is displayed to a user, paragraph [0008]). While Schmitt meets a number of the limitations of the claimed invention, as pointed out more fully above, Schmitt fails to specifically teach "modifying the current parameter set without a user directly selecting the standards parameter set, the modifying performed in response to the user selecting the associate model image". Specifically, Takasawa et al. teaches a photo-taking parameter change key 123 for changing set photo-taking conditions or image processing parameters; and a setting key 127 for performing various settings. Takasawa teaches in FIG. 3, photo-taking condition change keys 135 are up and down keys for changing photo-taking conditions. An image processing parameter change key 136 is pressed by an operator to call the change dialogue and change a parameter (see figures 3-5).

It would have been obvious to one of ordinary skill in the art to use the modification of parameters of Takasawa in Schmitt module in order o facilitate computer assisted diagnostics and to enhance parameter selection for optimal performance. Therefore, the claimed invention would have been obvious to one of ordinary skill in the art at the time of the invention by applicant.

As to claim 14, Schmitt teaches the method according to claim 13, further comprising: selecting a plurality of standard parameter sets, and creating the current parameter set from the plurality of standard parameter sets (see paragraph [0008], note that the desired examination region can be selected from a number of images stored in the memory device, paragraph [0027]).

As to claim 15, Besson et al teaches the linear combination see figure 2 and paragraph [0156-0162].

As to claim 16, Schmitt teaches the method according to claim 15, wherein the image data for a final image, which is modified in accordance with the associated standard parameter set, is stored for displaying the model image (a modification of the brightness of the image that is read out simulates a modification of the tube current, note that the selection device modifies the image that is read out dependent on an input of a device parameter undertaken at the operating device before the modified image is displayed at the display device, paragraph [0022-0024], see also Besson et al (display,128)).

As to claim 17, Schmitt teaches the method according to claim 14, further comprising storing different parameter sets for different body organs to be examined (different images would also be stored for different settings of a device parameter, paragraph [0022]).

As to claim 18, Schmitt teaches the method according to claim 14, further comprising storing different parameter sets for different acquisition projections (the selection device is configured such that, employing initial data of the sensor, the length ("height"), the thickness and/or the sex of the patient can be evaluated. The selection device, dependent on the evaluation, undertakes the selection of one of the stored images and/or modifies the image that is read out before it is displayed on the display device, paragraph [0026]).

As to claim 19, Schmitt teaches the method according to claim 14, further comprising storing different parameter sets for different generator settings (The device parameter preferably is a tube voltage of the X-ray source, a tube current of the X-ray source, a switching time of the X-ray source and/or a radiation quantity of the X-ray source, paragraph [0023]).

The limitation of claims 20-22has been addressed above.

Claim 23 differ from claim 1 only in that claim 1 is a method claim whereas; claim 23 is an apparatus claim. Thus, claim 23 is analyzed as previously discussed with respect to claim 1above.

As to claim 24, Schmitt teaches the apparatus according to claim 23, wherein x-ray detector is a solid-state detector having an active readout matrix made of amorphous silicon (solid state detector, paragraph [0012]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY BITAR whose telephone number is (571)270-1041. The examiner can normally be reached on Mon-Fri (7:30a.m. to 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jinge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nancy Bitar/

Examiner, Art Unit 2624

/Jingge Wu/

Supervisory Patent Examiner, Art Unit 2624